

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF CODES AND STANDARDS
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NOTICE OF PROPOSED REGULATORY ACTION
DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
TITLE 25, CALIFORNIA CODE OF REGULATIONS GOVERNING
MOBILEHOME AND SPECIAL OCCUPANCY PARKS
May 23, 2003

NOTICE IS HEREBY GIVEN that the California Department of Housing and Community Development (HCD), proposes to amend, adopt and repeal existing regulations governing Mobilehome Parks, and to adopt new regulations governing Special Occupancy Parks.

PUBLIC HEARING

Public hearings have been scheduled at which time any interested party may present statements, orally or in writing, about this proposed regulatory action. Each hearing will continue until all testimony is completed, and will be held as follows:

NORTHERN CALIFORNIA
Thursday, June 26, 2003
HCD (Headquarters)
1800 3rd Street, Room 183/185
Sacramento, CA 95814
10:00 a.m.

SOUTHERN CALIFORNIA
Monday, July 7, 2003
HCD (Ontario Field Office)
3602 Inland Empire Blvd., Suite C-220
Ontario, CA 91764
10:00 a.m.

Pre-hearing registration will be conducted prior to the hearing. Those registered will be heard in order of their registration. Anyone else wishing to speak at the hearing will be afforded an opportunity after those registered have been heard. The time allowed for each person to present oral testimony may be limited if a substantial number of people wish to speak.

Individuals presenting oral testimony are requested, but not required, to submit a written copy of their statements. The hearing will be adjourned immediately following the completion of the oral testimony.

SUBMISSION OF WRITTEN COMMENTS

Any interested person, or his or her authorized representative, may submit written comments relevant to the proposed regulatory action to HCD. All written comments must be received by HCD at this office no later than 5:00 p.m. on July 7, 2003, in order to be considered. Written comments may be submitted by mail, e-mail, or as follows:

By mail to:

The Department of Housing and Community Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Attn: Mobilehome Parks Program

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712

PERMANENT ADOPTION OF REGULATIONS

Following the public comment period, HCD may adopt the proposals substantially as described below, or may modify the proposals if the modifications are sufficiently related to the original text. With the exception of minor technical or grammatical changes, the text of any modified proposal will be available, for at least 15 days prior to its adoption, from the contact person designated in this Notice, and will be mailed to those persons who have submitted written or oral testimony related to this proposal, or who have requested notification of any changes to the proposal. HCD will accept written comments on the modified regulations during the 15-day period.

AUTHORITY AND REFERENCE

Health and Safety Code Section 18300 grants HCD the authority to adopt regulations governing mobilehome parks. Health and Safety Code Section 18865 grants HCD the authority to adopt regulations governing special occupancy parks. These regulations implement and interpret Health and Safety Code Sections 18402, 18404, 18421, 18502.5, 18503, 18551, 18552, 18554, 18601, 18605, 18610, 18612, 18613, 18613.4, 18613.5, 18613.7, 18620, 18630, 18640, 18670, 18690, 18691, 18865, 18865.1, 18865.3, 18866.3, 18870.2, 18870.3, 18870.4, 18871.3, 18871.10, 18872, 18873.1, 18873.3, 18873.4, and 18873.5. The actual text of these statutes is available on the World Wide Web at: <http://www.leginfo.ca.gov>

INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW

Summary of Existing Laws

The Mobilehome Parks Act (Act) was enacted for the benefit of mobilehome park residents to assure their health, safety and general welfare, to provide them a decent living environment, and to protect their investments in their manufactured homes and mobilehomes. The Act, prior to 2002, also provided this protection for the users and residents of special occupancy parks (recreational vehicle parks, tent camps, etc.) within the State. Legislation (Ch. 434, Stats 2001) divided the elements of each type of park into separate acts within the Health and Safety Code for clarity and more appropriate applicability of specific requirements. This legislation enacted Health and Safety Code Section 18863.3, which required HCD to adopt regulations which address this separation between mobilehome parks and special occupancy parks.

Summary of Existing Regulations

The Mobilehome Parks Program, within HCD's Codes and Standards Division, develops, administers and enforces uniform statewide standards which assure owners, residents, and users of mobilehome and special occupancy parks, protection from risks to their health and safety.

Summary of Effect of Proposed Regulatory Action

The purpose of these changes is to update the existing regulations for mobilehome parks and to comply with the legislative mandate to adopt separate regulations for special occupancy parks.

Those sections within Title 25, California Code of Regulations affected by this rulemaking, and the specific purpose for each adoption, amendment, or repeal contained in these proposed regulations, is set forth in the Initial Statement of Reasons for this regulatory action. Non-regulatory amendments to the authority and reference citations have also been made throughout the amended subchapter.

These proposed actions will greatly enhance the clarity and applicability of the current regulations. For example, a large portion of the changes involve renumbering and relocating sections and subsections so they are grouped with related requirements, and follow a logical sequence.

Additionally, certain terms such as “mobilehome, manufactured home, multi-unit manufactured housing” have been simplified with the term “MH-unit” which is newly defined in section 1002, whenever the requirements do not apply to recreational vehicles. This improves the understanding and applicability of the regulations.

Because the content of Chapter 2.2 is substantially the same in content as the related regulations currently in Chapter 2, the majority of the articles and sections adopted in Chapter 2.2, are renumbered sections moved from Chapter 2, and are shown changes without regulatory effect, as allowed under Ch. 1038, Stats. 2002. This too, provides continuity with the already familiar structure of Chapter 2.

Please note, there are no fee increases in this proposal. It may appear, however, that within the proposed amendments to Sections 1211 and 2211, a “new” fee for the installation of a Liquid Petroleum Gas (LPG) tank over 60 gallons, has been introduced.

However, this is not the case. This fee, which is currently reflected in Section 1020(m)(4), is being repeated and made specific within the amendment to Sections 1211 and 2211.

Additionally, the proposed amendment to Sections 1020.9 and 2020.9, for Standard Plan Approval (SPA) plan checking fees, were inserted. SPAs have been an HCD responsibility for accessory buildings and structures since the mid-1970's. The hourly fee for this service was set at \$27.00 in 1979 and was located within Appendix D of the regulations. In the intervening years, there were minor fees increases. During that time, the SPA requirements were relocated to Appendix A. Although the current hourly fee (\$60.00) for plan checking was reflected in 1989 amendments to Sections 1022 and 1024, HCD did not concurrently update the SPA fees found in Appendix A.

Further, in 1994, due to the Northridge earthquake, SPAs for Earthquake Resistant Bracing Systems (ERBS), tie down systems and foundations, were added to the regulations, and reference the \$60.00 per hour plan check fee for all enforcement agency activities. Because the plan checking activity for tiedowns, ERBS and Foundations are identical to the plan checking activities for accessory buildings or structures, the Department assesses the same fee for both types of activities.

The proposed regulatory amendments will also delete Appendix A and incorporate its applicable provisions into the existing “Tiedown,” “ERBS,” and “Foundation SPA” activities sections.

These proposed regulatory amendments also address substantive changes which relate to the updating of the applicable building standards: the National Electrical Code (NEC), Uniform Plumbing Code (UPC), Uniform Building Code (UBC), and General Orders (GO) 95 and 128 as follows:

<u>Current reference</u>	<u>Update</u>
1978 and 1984 NEC	2001 California Electrical Code
1985 UPC	2001 California Plumbing Code
1985 UBC	2001 California Building Code
1974 GO 95 and 128	1998 GO 95 and 128 (as adopted by the CPUC)

Additionally, provisions from the California Fire Code for LPG tank installation are being added to reflect the recognized standard used by LPG distributors.

These proposed amendments also incorporate the following changes:

The minimum water pressure at maximum usage in parks has been raised from 15 to 20 pounds per square inch because, not only is the 20 lb standard the minimum pressure referenced in the California Plumbing Code, it also reflects the current, minimum, residual pressure for private fire hydrant systems.

Requirements for installing manufactured homes without installation instructions have been defined, requiring specific bolting and blocking procedures which mirror the procedures that the manufactures have long utilized.

Proposed Section 1618, *Responsibility For Costs* (existing section 1724) will be amended to assign the costs for abatement to both the home owner and the park owner/operator for violations related to the unit, accessory buildings or structures, or violations of the space, and only to the park owner/operator for all permanent buildings and accessory buildings or structures in the park under their ownership or control. This section currently designates the abatement costs only for a mobilehome or recreational vehicle. Although this is a substantive change to the regulations, the amendments reflect statutory requirements. (See Health and Safety Code Section 18420 which states that an owner of a unit is responsible for correction of violations attributable to the unit; Health and Safety Code Section 18402, which states that a park owner or operator is required to abate any nuisance in the park. Note: A nuisance is currently defined in Section 1002 of these regulations.)

Lastly, HCD is proposing the following substantive, but less restrictive, amendments:

Sanitary facilities for dependent lots (lots without drains, or units without sanitary facilities) were required to be within 400 feet of the lot. HCD proposes to increase this to 500 feet to reflect the adopted standard in the California Plumbing Code, and the general decline of units lacking integrated sanitary facilities.

Also, HCD proposes to address “unisex facilities” provided they are designated on a one-to-one ratio to designated facilities. This amendment was included to address a request by the campground and recreational vehicle parks industry.

SECTIONS AFFECTED:

Following are the specific sections affected by this proposed action:

Chapter 2 inclusive of all sections, and newly created Chapter 2.2, inclusive of all sections:

Repeal Title of Subchapter 1.

Amend titles for Articles 2, 4, 7, 7.5, 8, 9, and 10.

Amend

Sections 1000, 1002, 1004, 1006, 1007, 1008, 1009, 1010, 1012, 1014, 1016, 1018, 1020, 1030, 1032, 1034, 1038, 1042, 1044, 1046, 1048, 1050, 1100, 1102, 1104, 1106, 1108, 1110, 1112, 1130, 1132, 1134, 1136, 1138, 1140, 1146, 1148, 1150, 1151, 1152, 1153, 1154, 1156, 1158, 1160, 1162, 1164, 1166, 1170, 1176, 1180, 1182, 1184, 1186, 1200, 1206, 1208, 1210, 1212, 1216, 1218, 1220, 1222, 1226, 1228, 1230, 1232, 1240, 1246, 1248, 1252, 1254, 1258, 1260, 1262, 1264, 1266, 1268, 1274, 1278, 1280, 1284, 1300, 1302, 1304, 1306, 1308, 1310, 1312, 1314, 1316, 1317, 1318, 1319, 1320, 1324, 1326, 1328, 1330, 1333, 1333.5, 1334, 1335, 1335.5, 1336, 1336.1, 1336.2, 1336.3, 1338, 1344, 1346, 1348, 1352, 1354, 1356, 1358, 1360, 1362, 1366, 1368, 1370, 1370.2, 1370.4, 1372.4, 1372.6, 1371, 1372, 1372.2, 1372.4, 1372.6, 1373, 1374, 1374.2, 1374.4, 1374.5, 1374.6, 1374.7, 1375, 1375.2, 1377, 1382, 1388, 1398, 1422, 1424, 1428, 1432, 1434, 1436, 1438, 1440, 1442, 1444, 1446, 1448, 1450, 1452, 1458, 1460, 1462, 1464, 1466, 1468, 1470, 1472, 1474, 1478, 1486, 1498, 1500, 1502, 1504, 1510, 1514, 1518, 1520, 1600, 1606, 1608, 1610, 1612, 1614, 1616, 1618, 1750, 1752, 1754, 1756, and 1758.

Repeal

Sections 1022, 1024, 1026, 1028, 1036, 1040, 1052, 1054, 1142, 1144, 1172, 1202, 1204, 1214, 1224, 1242, 1244, 1250, 1256, 1270, 1272, 1276, 1282, 1322, 1332, 1336.4, 1336.5, 1340, 1342, 1350, 1364, 1370.6, 1376, 1380, 1384, 1386, 1390, 1392, 1394, 1396, 1400, 1420, 1426, 1430, 1454, 1456, 1462, 1464, 1476, 1480, 1482, 1484, 1488, 1490, 1492, 1494, 1496, 1508, 1512, 1516, 1602, 1604, 1620, 1622, 1624, 1626, 1628, 1630, 1632, 1634, 1636, 1640, 1642, 1644, 1646, 1648, 1650, 1652, 1654, 1656, 1658, 1660, 1662, 1664, 1666, 1668, 1670, 1672, 1674, 1676, 1678, 1680, 1682, 1684, 1686, 1688, 1690, 1692, 1694, 1696, 1698, 1700, 1702, 1704, 1706, 1708, 1710, 1712, 1714, 1716, 1718, 1720, 1722, 1724, 1726, 1728, 1730, 1732, 1734, 1735, 1736, 1738, and 1740.

Adopt New Chapter 2:

Sections 1005, 1005.5, 1006.5, 1017, 1020.1, 1020.3, 1020.4, 1020.6, 1020.7, 1020.9, 1025, 1045, 1114, 1116, 1118, 1120, 1122, 1163, 1178, 1183, 1185, 1188, 1190, 1211, 1229, 1234, 1236, 1305, 1334.1, 1334.2, 1334.4, 1334.5, 1334.6, 1337, 1338.5, 1339, 1399, 1429, 1433, 1443, 1506, 1605, 1607, 1611, 1613, 1615, 1617, and 1619.

Repeal

Subchapter 2 title and all sections of subchapter 2.

Adopt New Chapter 2.2.

Adopt

Titles for Articles 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, and 11 .

Sections 2000, 2002, 2003, 2004, 2005, 2005.5, 2006, 2006.5, 2007, 2008, 2009, 2010, 2012,

2014, 2016, 2017, 2018, 2020.3, 2020.4, 2020.6, 2020.7, 2020.9, 2030, 2032, 2034, 2038, 2042, 2044, 2045, 2046, 2048, 2050, 2100, 2102, 2104, 2106, 2108, 2110, 2112, 2114, 2116, 2118, 2120, 2122, 2126, 2130, 2132, 2134, 2136, 2138, 2140, 2146, 2148, 2150, 2151, 2152, 2153, 2154, 2156, 2158, 2160, 2162, 2163, 2164, 2166, 2170, 2176, 2178, 2180, 2182, 2183, 2185, 2186, 2188, 2190, 2200, 2206, 2208, 2210, 2211, 2212, 2216, 2218, 2220, 2222, 2226, 2228, 2229, 2230, 2232, 2236, 2240, 2246, 2248, 2252, 2254, 2258, 2260, 2262, 2264, 2266, 2268, 2269, 2270, 2272, 2274, 2278, 2280, 2284, 2300, 2302, 2304, 2305, 2306, 2308, 2310, 2312, 2314, 2316, 2317, 2318, 2319, 2320, 2322, 2324, 2326, 2328, 2330, 2333, 2334, 2337, 2344, 2346, 2352, 2354, 2356, 2358, 2360, 2382, 2388, 2399, 2422, 2424, 2428, 2429, 2432, 2433, 2434, 2436, 2438, 2440, 2442, 2443, 2444, 2466, 2468, 2470, 2472, 2474, 2478, 2486, 2496, 2498, 2500, 2502, 2504, 2506, 2510, 2514, 2518, 2600, 2605, 2606, 2607, 2608, 2609, 2610, 2611, 2612, 2613, 2615, 2616, 2617, 2618, 2619, 2750, 2752, 2754, 2756, and 2758.

POLICY STATEMENT OVERVIEW:

The Mobilehome Parks Program within HCD is responsible for adopting and enforcing preemptive state regulations for the construction, use maintenance, and occupancy of privately owned mobilehome and special occupancy parks within California.

Furthermore, recent legislation (Ch. 434, Stats. 2001) requires HCD to adopt separate regulatory provisions for special occupancy parks to avoid the frequent confusion caused by current differences between these types of parks and mobilehome parks. This situation has existed since 1985, when the mobilehome parks regulations were merged with the special occupancy park regulations. The second portion of this rulemaking, commencing with section 2000, addresses these required changes.

HCD is proposing to adopt, amend, and repeal regulations relating to both the Mobilehome Parks Act and Special Occupancy Parks Act. HCD's regulatory amendments propose to integrate universally accepted construction standards into the proposed regulations to maintain the same standards mandated or authorized by statute throughout the State of California.

SMALL BUSINESS IMPACT STATEMENT

HCD has determined that the proposed regulations will not affect small businesses. These regulations impose no new fees, but serve only to clarify existing practices, and to address the differences between requirements for mobilehome parks and special occupancy parks by adopting separate regulations for each of these entities.

DISCLOSURES REGARDING THE PROPOSED ACTION

Mandate on local agencies and school districts: NONE.

Costs or savings to any state agency: NONE.

Costs or savings to local agencies or school districts which must be reimbursed in accordance with Part 7 (commencing with Section 17500) of Division 4 of the Government Code: NONE.

Other non-discretionary costs or savings imposed upon local agencies: NONE.

Costs or savings in federal funding to the state: NONE.

Significant effect on housing costs: NONE.

BUSINESS IMPACTS

HCD has made an initial determination that the proposed amendments will not have a significant statewide adverse economic impact directly affecting California businesses, including the ability of California businesses to compete with businesses in other states.

COST IMPACT ON REPRESENTATIVE PRIVATE PERSON OR BUSINESS

HCD is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action. The proposed amendments serve only to clarify existing practices and to address the differences between requirements for mobilehome parks and special occupancy parks by adopting separate regulations for each of these entities.

ASSESSMENT OF JOB/BUSINESS CREATION OR ELIMINATION

HCD has determined that this regulatory proposal will not have a significant impact on the creation or elimination of jobs in the State of California, and will not result in the elimination of existing businesses nor create or expand businesses in the State of California.

CONSIDERATION OF ALTERNATIVES

HCD must determine that no reasonable alternative considered by it, or that has otherwise been identified and brought to the attention of HCD, would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action. HCD invites interested persons to present statements or arguments with respect to alternatives to the proposed regulations during the written comment period.

AVAILABILITY OF DOCUMENTS AND CONTACT PERSON(S)

HCD has prepared an Initial Statement of Reasons for the proposed regulatory action and has available all the information upon which the proposal is based. Copies of the exact language of the proposed regulations, the Initial Statement of Reasons, the rulemaking file, the Final Statement of Reasons (when available) and other information, if any, may be obtained upon request from HCD at the following address or voice mail number:

The Department of Housing and Community Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Voice Mail: (916) 327-1800
Fax (916) 327-4712

Please note, the rulemaking record for this action is voluminous, exceeding 600 pages in length. Consequently, you may request your copy be sent to you on a CD or, if you need a paper copy, you may wish to request copies of individual regulation sections and their specific rationale contained in the Initial Statement of Reasons, rather than the entire rulemaking record.

In addition, the Notice, the exact language of the proposed regulations, and the Initial Statement of Reasons may be found on the World Wide Web at the following address:

<http://www.hcd.ca.gov/codes/mp>

Questions regarding the regulatory process may be directed to:

Michelle Garcia, Staff Services Manager
Telephone Number (916) 327-2798/ fax (916) 327-4712
E-mail: mgarcia@hcd.ca.gov

Clarification regarding the substance of this regulatory proposal may be directed to:

Bradley Harward, CSA I
Telephone Number (916) 324-4907/ fax (916) 327-4712
E-mail: bharward@hcd.ca.gov

Written comments may be submitted by any of the following methods:

By mail to:

The Department of Housing and Community Development
Division of Codes and Standards
1800 Third Street, Room 260
Sacramento, CA 95814
Attn: Mobilehome Parks Program

By e-mail to: parksregs@hcd.ca.gov

By facsimile to: (916) 327-4712